

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

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**NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING  
OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD  
AND NOTICE OF PROPOSED CHANGES TO TITLE 8  
OF THE CALIFORNIA CODE OF REGULATIONS**

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

**PUBLIC MEETING:** On **December 14, 2000**, at 10:00 a.m.  
in the Auditorium of the State Water Resources Building,  
1416 Ninth Street, Sacramento, California.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

**PUBLIC HEARING:** On **December 14, 2000**, following the Public Meeting,  
in the Auditorium of the State Water Resources Building,  
1416 Ninth Street, Sacramento, California.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupational safety and health standards in Title 8 of the California Code of Regulations.

**BUSINESS MEETING:** On **December 14, 2000**, following the Public Hearing,  
in the Auditorium of the State Water Resources Building,  
1416 Ninth Street, Sacramento, California.

At the Business Meeting, the Board will conduct its monthly business.

**DISABILITY ACCOMMODATION NOTICE:** Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

**OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD**

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JERE INGRAM, Chairman

NOTICE OF PROPOSED CHANGES TO TITLE 8  
OF THE CALIFORNIA CODE OF REGULATIONS  
BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to the Construction Safety Orders and General Industry Safety Orders in Title 8 of the California Code of Regulations, as indicated below, at its Public Hearing on **December 14, 2000.**

1.    TITLE 8:        **CONSTRUCTION SAFETY ORDERS**  
                         Chapter 4, Subchapter 4, Article 6  
                         Section 1541.1  
                         **Requirements for Trench Shoring Systems**
  
2.    TITLE 8:        **GENERAL INDUSTRY SAFETY ORDERS**  
                         Chapter 4, Subchapter 7, Article 54  
                         Section 4188(b)  
                         **Specific Definitions for Power Operated Presses**

Descriptions of the proposed changes are as follows:

1. **TITLE 8:**        **CONSTRUCTION SAFETY ORDERS**  
Chapter 4, Subchapter 4, Article 6  
Section 1541.1  
**Requirements for Trench Shoring Systems**

## **INFORMATIVE DIGEST OF PROPOSED ACTION/PLAIN ENGLISH OVERVIEW**

### **Section 1541.1 Requirements for Protective Systems**

Section 1541.1 pertains to the general requirements to protect employees in excavations and is applicable to all employers engaged in underground construction work. Subsections (a) through (g) contain specific requirements for individual protective systems. Subsection (a) addresses the scope and application for the various protective systems. Subsection (b) applies to the design of sloping and benching systems and is divided into options (1) through (4). Subsection (c) pertains to the design of support systems, shield systems, and other protective systems also with options (1) through (4). Subsection (d), (e), and (f) order various requirements for maintaining equipment in safe operations, installing/removing protective systems supports, and protection of employees working on sloping and benching systems. Finally, subsection (g) provides regulations for protection of employees working in shield systems. Additionally, there are Appendices A through F, which address soil classification, sloping and benching, timber shoring for trenches, aluminum hydraulic shoring for trenches, alternatives to timber shoring, and selection of protective systems.

### **Section 1541.1, New Subsection (h)**

Examples (1) through (5) in Appendix D illustrate the use of the tabular data that is present in Tables D-1.1, D-1.2, D-1.3, D-1.4. Figures No. 1 through No. 4 present the different configurations that are acceptable to the Division when installing trench shoring systems. The Figures also include shoring with spot bracing, shoring with plywood attached to the uprights, a stacked shoring system, and shoring with walers. Figures No. 1 and No. 2 clearly show vertical uprights placed or installed with the ends of uprights extending to the top of the trench. In this configuration, protective shoring will prevent the collapse or sloughing of the upper portion of the excavation.

New subsection 1541.1(h) will require the upper end of shoring uprights to extend to the top of the trench and the lower end to be placed within 2 feet from the bottom of the trench. The effect of the proposed action is to require employers to install protective shoring in a manner that will protect employees from the hazards of loose or raveling soil.

### **Section 1541.1 Appendix D, Subsection (g)(7)**

Appendix D contains the necessary regulations, descriptive figures, and informational tables, which are used in designing and installing protective shoring systems. These protective systems prevent cave-ins in excavations and trenches that do not exceed 20 feet in depth. Figures No. 1 through No. 4 illustrate acceptable configurations for the different shoring systems. Tables D-1.1 through D-1.4 provide additional data to the public on the means to properly select and place shoring at varying trench depths and widths.

The regulations in subsection (a) through (g) to Appendix D pertain to the classification of soils, the specifications for hydraulic cylinders used in shoring and other requirements when installing protective systems. Specifically, subsection (g)(7) stipulates that only plywood of a specified thickness and/or grade may be used with hydraulic shores to prevent raveling or sloughing problems. The plywood must be 1.125 inches thick or .75 inch thick, 14 ply, and arctic white birch, (Finland form). No other types of plywood or other material are currently permitted.

A revision is proposed to allow the use of other “equivalent material” when it can be “approved in accordance with Section 1505(a)”. Section 1505(a) provides the means to obtain an approval for a product by having the product evaluated by either a person, firm, or entity with appropriate registered engineering competence, or by a person, firm, or entity, independent of the manufacturer. The effect of the proposed amendment is to minimize the current restrictive nature of the regulation and allow the regulated public more opportunities to choose from a wider range of products.

### **COST ESTIMATES OF PROPOSED ACTION**

#### **Costs or Savings to State Agencies**

No costs or savings to state agencies will result as a consequence of the proposed action (see “Identified Alternatives that Would Lessen Adverse Impact on Small Businesses”). The proposed amendments consist of ensuring that existing equipment is properly placed or located in the trench to ensure additional employee safety. Additionally the proposed amendments to Appendix D will allow the regulated public to select from a wider range of approved materials. Therefore, Board staff does not anticipate the proposal will have any significant impact, positive or negative, upon state agencies.

#### **Impact on Housing Costs**

The proposal will not significantly affect housing costs.

#### **Impact on Businesses**

This proposal will not result in a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states. The proposed amendments ensure that existing equipment is properly placed or located in the trench to assure additional employee safety. Additionally the proposed amendments to Appendix D will allow the regulated public to select from a wider range of approved materials. Therefore, Board staff does not believe that the proposal will have a new or added effect upon the employer with respect to underground construction activities.

#### **Cost Impact on Private Persons or Entities**

The proposal will not require private person or entities to incur additional costs in complying with the proposal.

#### **Costs or Savings in Federal Funding to the State**

The proposal will not result in costs or savings in federal funding to the state.

### **Costs or Savings to Local Agencies or School Districts Required to be Reimbursed**

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

### **Other Nondiscretionary Costs or Savings Imposed on Local Agencies**

This proposal does not impose nondiscretionary costs or savings on local agencies.

### **DETERMINATION OF MANDATE**

The Occupational Safety and Health Standards Board has determined that the proposed regulations do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendment will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, the regulation does not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

The proposed regulation does not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulation requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed regulations do not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

The proposed regulation does not impose unique requirements on local governments. All employers - state, local and private - will be required to comply with the prescribed standard.

### **PLAIN ENGLISH STATEMENT**

It has been determined that the proposal may affect small business. The express terms of the proposal written in plain English have been prepared by the Board pursuant to Government Code Sections 11342(e) and 11346.2(a)(1) and are available from the agency contact person named in the notice. The informative digest for this proposal constitutes a plain English overview.

### **ASSESSMENT**

The adoption of the proposed amendment to this regulation will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

## **ALTERNATIVES CONSIDERED**

Our agency must determine that no alternative considered by us would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

2. **TITLE 8:**      **GENERAL INDUSTRY SAFETY ORDERS**  
Chapter 4, Subchapter 7, Article 54  
Section 4188(b)  
**Specific Definitions for Power Operated Presses**

## **INFORMATIVE DIGEST OF PROPOSED ACTION/PLAIN ENGLISH OVERVIEW**

### **INFORMATIVE DIGEST OF PROPOSED ACTION/PLAIN ENGLISH OVERVIEW**

Ambiguous and inconsistent terms used in defining power operated presses has contributed to misunderstandings and confusion regarding application of safety requirements for point of operation guarding. The existing definitions for power presses utilize the term "slide." However, "slide" is not specifically defined in the GISO, other than by indirect reference in the definition for "ram." The proposed rulemaking action consists of revisions to make clear the definition of "slide," and thus to clarify the definitions for power presses. Non-substantive modifications to power press definitions, based upon advisory committee recommendations, are also proposed to address current practices and methods of die attachment and actuation.

### **Section 4188(b) Specific Definitions for Power Operated Presses.**

"Power Operated Presses" defines such machinery as including "all mechanically powered machines that shear, punch, form, or assemble metal or other materials by means of tools or dies attached to slides, commonly referred to as mechanical power presses (punch presses), press brakes, hydraulic power presses (punch presses), and rivet setting machines." A revision is proposed to clarify that dies used in power presses may be attached to or actuated by slides. The dies may include unitary or "bump" dies which are normally attached to the bed or anvil (sometimes called "bolster") of the press, and are actuated by the slide rather than being attached to it. This revision will have no effect on the regulated public as it merely clarifies what is commonly understood in the industry to be a power operated press.

Definitions for "Power Press, Hydraulic (Punch Press)" and "Power Press, Mechanical (Punch Press)" are likewise proposed to be clarified to be consistent with language for "Power Operated Presses." These revisions will have no effect on the regulated public as they merely clarify what is commonly understood in the industry to be a power press, whether hydraulic or mechanical.

Definitions for "Ram" and "Slide." The definitions for power presses use the term "slide," consistent with Federal regulation 29 CFR 1910.211. Currently, "slide" is not specifically defined, and its meaning must be inferred from the definition for "ram." The proposal defines and makes clear the definition of the term "slide," by adapting the definition for "ram" with editorial changes. The definition for "ram" will be changed to refer to the definition for "slide." These proposed revisions are intended to eliminate ambiguity in the definitions for power presses and thus will have no effect on the regulated public other than to simplify and clarify the GISO.

## **COST ESTIMATES OF PROPOSED ACTION**

### **Costs or Savings to State Agencies**

No costs or savings to state agencies will result as a consequence of the proposed action.

### **Impact on Housing Costs**

The proposal will not significantly affect housing costs.

### **Impact on Businesses**

This proposal will not result in a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

### **Cost Impact on Private Persons or Entities**

The proposal will not require private persons or entities to incur additional costs in complying with the proposal.

### **Costs or Savings in Federal Funding to the State**

The proposal will not result in costs or savings in federal funding to the state.

### **Costs or Savings to Local Agencies or School Districts Required to be Reimbursed**

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

### **Other Nondiscretionary Costs or Savings Imposed on Local Agencies**

This proposal does not impose nondiscretionary costs or savings on local agencies.

## **DETERMINATION OF MANDATE**

The Occupational Safety and Health Standards Board has determined that the proposed regulations do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because these regulations do not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of

providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

These proposed regulations do not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulations require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed regulations do not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

These proposed regulations do not impose unique requirements on local governments. All employers - state, local and private - will be required to comply with the prescribed standards.

### **PLAIN ENGLISH STATEMENT**

It has been determined that the proposal may affect small business. The express terms of the proposal written in plain English have been prepared by the Board pursuant to Government Code Sections 11342(e) and 11346.2(a)(1) and are available from the agency contact person named in this notice. The informative digest for this proposal constitutes a plain English overview.

### **ASSESSMENT**

The adoption of the proposed amendments to these regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

### **ALTERNATIVES CONSIDERED**

Our agency must determine that no alternative considered by us would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The above proposals do not contain building standards regulations as defined by Health and Safety Code Section 18909.

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to the Occupational Safety and Health Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a description of the problems addressed by the proposed actions, a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives to lessen the impact on small businesses is also available upon request from the Standards Board's Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be mailed so that they are received no later than December 8, 2000. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on December 14, 2000 will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided in the following paragraph. The Occupational Safety and Health Standards Board may thereafter adopt the above proposal substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning the proposed action may be directed to the Executive Officer, John D. MacLeod at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

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JERE INGRAM, Chairman